

REMARKS

There are now pending in this application Claims 1, 2, 16, 17, 23-25, 29, 30, 34-47, 51-62, 68-70, 74, 75, and 79-88. Claims 1, 29, 46, and 74 are independent. Claims 85-88 are newly added, while Claims 5, 18-22, 26-28, 33, 50, 63-67, 71-73, and 78 have been cancelled.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Applicants' invention as set forth in independent Claim 1 is directed to an image forming apparatus which includes image bearing means together with an intermediary transfer member. The intermediary transfer member includes a first layer, a second layer on the first layer, and a third layer on the second layer, wherein the third layer receives the toner image from the image bearing member. The invention is characterized, *inter alia*, in that the volume resistivity of the first layer is smaller than that of the third layer and the volume resistivity of the third layer is smaller than that of the second layer. As amended, the thickness of the third layer is 1 to 5 microns.

Independent Claim 29 is directed to the intermediary transfer member as recited in Claim 1.

Each of Claims 1 and 29 was rejected under 35 U.S.C. § 102(b) as being anticipated by Schlueter, Jr. et al. The rejections are respectfully traversed.

Schlueter, Jr. et al. features a member composed of a base layer having a seam, a top layer having a seam, and an adhesive layer between the base layer and the top layer, wherein the base layer seam is discontinuously offset from the top layer seam. Schlueter, Jr., et

al. at most provides for preferable ranges of the volume resistivities at the top layer and the intermediate layer of the intermediate member. This reference does not disclose or suggest that the top layer which receives a toner image from the image bearing means has a volume resistivity smaller than that of the layer below the top layer. Moreover, Schlueter, Jr., et al. provides for a top layer that ranges from about 0.5 mils to about 3 mils which corresponds to a range of 13 to 76 microns in thickness. It does not teach or suggest that the thickness of the third layer should be 1 to 5 microns as set forth in each of Claims 1 and 29.

For the foregoing reasons, Applicants respectfully submit that at least the above salient features of the invention as recited in Claims 1 and 29 are neither taught nor suggested by the applied art of record.

Each of independent Claims 46 and 74 similarly incorporates a feature of a second layer having a volume resistivity which is smaller than that of the first layer, the second layer being defined as the layer which receives the toner image from the image bearing member and which has a thickness of 1 to 5 microns. Each of Claims 46 and 74 was also rejected under 35 U.S.C. § 102(b) as being anticipated by Schlueter, Jr. et al. Accordingly, for reasons noted above with respect to Claims 1 and 29, Schlueter, Jr. et al. also fails to teach or suggest the invention as recited in independent Claims 46 and 74.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from one of the above discussed independent claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'L. A. Stahl', is written over a horizontal line.

Attorney for Applicants
Lawrence A. Stahl
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

LAS:eyw

DC-MAIN 158818 v1